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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/837,428	04/19/2001	Donald A. Smalley	1330.1013-C2	8921

21171   7590   04/29/2004

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ART UNIT	PAPER NUMBER
2135	18

DATE MAILED: 04/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)	
Office Action Summary	09/837,428	SMALLEY ET AL.	XT
	Examiner	Art Unit	
	Monplaisir G Hamilton	2135	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _06 May 2003_.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1,2,4-7,9-15,33-38 and 43-89_ is/are pending in the application.

     4a) Of the above claim(s) _3, 8, and 16-32 and 39-42_ cancelled.

5) ☐ Claim(s) _____ is/are allowed.

6) ☐ Claim(s) _1,2,4-7,9-15,33-38 and 43-89_ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on _19 April 2001_ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a) ☐ All   b) ☐ Some *   c) ☐ None of:

         1. ☐ Certified copies of the priority documents have been received.

         2. ☐ Certified copies of the priority documents have been received in Application No. _____.

         3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

     a) ☐ The translation of the foreign language provisional application has been received.

14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _11_.

4) ☐ Interview Summary (PTO-413) Paper No(s). _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: .

DETAILED ACTION

1.   Claims 1-42 were pending. The communication filed on 4/19/01, Paper No. 2, cancelled

Claims 3, 8, and 16-32 and 39-42, and added Claims 43-60. The communication filed on

3/21/02, added Claims 61-72.   The communication filed on 5/9/03 added Claims 73-89. Claims

1, 2, 4-7, 9-15. 33-38, and 43-89 are pending.

Information Disclosure Statement

2.   The information disclosure statement filed 2/23/04, Paper No. 11 has been considered.

NOTE: The document entitled State of Tennessee Department of Environmental

Conservation, Request for Proposal for Acquisition, Installation, and Training for the Integrated

Resource Information System is deemed pertinent to this application. However, because this

document does not have a date, the information considered within has not been applied in this

application.

Double Patenting

3.   The nonstatutory double patenting rejection is based on a judicially created doctrine

grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or

improper timewise extension of the "right to exclude" granted by a patent and to prevent possible

harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed.

Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686

F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA

1970);and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to

overcome an actual or provisional rejection based on a nonstatutory double patenting ground

provided the conflicting application or patent is shown to be commonly owned with this

application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal

disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37

CFR 3.73(b).

Claims 1-2 are rejected under the judicially created doctrine of obviousness-type double

patenting as being unpatentable over Claim 1 of U.S. Patent No. 6256640 issued to Smalley et al.

Although the conflicting claims are not identical, they are not patentably distinct from each other

because of the following reasons:

Claim 1 and 2 of the instant application substantially recites the limitations of claim 1 of

the cited Patent. These claims omit certain limitations and replace the underlined limitations

with bolded limitations as shown in the Tables 1 and 2 below.

Table 1	
Application 09/837428 Claim 1	**U.S. Patent No. 6256640 Claim 1**
1. A database structure, embodied on at least one computer accessible medium, for managing information on regulated entities by a regulating entity, said database structure comprising: a primary data level identifying multiple regulated entities, optionally associable with a geographic location; and a secondary data level identifying subject items of the regulated entities identified at said primary level, where the subject items include objects and activities subject to regulatory requirements **comprising multiple media**.	1. A database structure, embodied on at least one computer accessible medium, for managing information on regulated entities, said database structure comprising: a primary data level identifying regulated entities, optionally associable with a geographic location; and a secondary data level identifying subject items of the regulated entities identified at said primary level, where the subject items include objects and activities subject to regulatory requirements, <u>wherein said database structure further comprises at least one lower data level, below said secondary data level, to store detail information on imposition of regulatory requirements on the subject items via issuance of permits, monitoring operation of the subject items of the regulated entities to verify compliance with the regulatory requirements and issuance of enforcement orders to compel compliance with the regulated entities,</u> <u>wherein the information managed by using said database structure is accessed by an environmental regulatory agency, and</u> <u>wherein the subject items identified by the</u>

	information in said secondary data level relate to different environmental program areas regulating a single regulated entity and data stored according to said database structures are accessible by all of the environmental program areas over which the environmental regulatory agency has jurisdiction.

Table 2	
Application 09/837428 Claim 2	U.S. Patent No. 6256640 Claim 1
2. A database structure, embodied on at least one computer accessible medium, for managing information on regulated entities by a regulating entity, said database structure comprising: a primary data level identifying multiple regulated entities, optionally associable with a geographic location; and a secondary data level identifying subject items of the regulated entities identified at said primary level, where the subject items include objects and activities subject to regulatory requirements **comprising multiple media**, wherein said database structure further comprises at least one lower data level, below said secondary data level, to store detail information on imposition of regulatory requirements on the subject items via issuance of permits, monitoring operation of the subject items of the regulated entities to verify compliance with the regulatory requirements and issuance of enforcement orders to compel compliance with the regulated entities	1. A database structure, embodied on at least one computer accessible medium, for managing information on regulated entities, said database structure comprising: a primary data level identifying regulated entities, optionally associable with a geographic location; and a secondary data level identifying subject items of the regulated entities identified at said primary level, where the subject items include objects and activities subject to regulatory requirements, wherein said database structure further comprises at least one lower data level, below said secondary data level, to store detail information on imposition of regulatory requirements on the subject items via issuance of permits, monitoring operation of the subject items of the regulated entities to verify compliance with the regulatory requirements and issuance of enforcement

	orders to compel compliance with the regulated entities,
	wherein the information managed by using said database structure is accessed by an environmental regulatory agency, and
	wherein the subject items identified by the information in said secondary data level relate to different environmental program areas regulating a single regulated entity and data stored according to said database structures are accessible by all of the environmental program areas over which the environmental regulatory agency has jurisdiction.

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the cited steps of Claim 1 of US Patent 6256640. US 6256640 disclose general areas are often called "media" (US 6256640: col 4, lines 45-50). US 6256640 further disclose a system according to the present invention also enables multimedia integration of data, where the term multimedia is used to mean multiple environmental regulatory programs (US 6256640: col 4, lines 60-65). Examiner holds the ordinary skilled artisan would have been motivated to modify claim 1 of US 6256640 by replacing wherein said database structure further comprises at least one lower data level, below said secondary data level, to store detail information on imposition of regulatory requirements on the subject items via issuance of permits, monitoring operation of the subject items of the regulated entities to verify compliance with the regulatory requirements and issuance of enforcement orders to compel compliance with the regulated entities, wherein the information managed by using said database structure is accessed by an environmental regulatory agency, and wherein the subject items identified by

the information in said secondary data level relate to different environmental program areas

regulating a single regulated entity and data stored according to said database structures are

accessible by all of the environmental program areas over which the environmental regulatory

agency has jurisdiction[.] with **comprising multiple media**. The claimed "multiple media" of

Application 09/837428 provides the same functionality as the claimed "different environmental

program areas" of US 6256640, Claim 1. One of ordinary skill in the art would have been

motivated to replace the underlined limitations with the bolded limitation because the substitute

elements provides the same function, i.e. comprehensive information regarding the agency's

activities with respect to a single pollution source that is regulated by more that one program

(US 6256640: col 4, line 65-col 5, lines 3).

4.   A rejection based on double patenting of the "same invention" type finds its support in

the language of 35 U.S.C. 101 which states that "whoever invents or discovers any new and

useful process ... may obtain a patent therefor ..." (Emphasis added). Thus, the term "same

invention," in this context, means an invention drawn to identical subject matter. See *Miller v.*

Eagle Mfg. Co., 151 U.S. 186 (1894); *In re Ockert*, 245 F.2d 467, 114 USPQ 330 (CCPA 1957);

and *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970).

        A statutory type (35 U.S.C. 101) double patenting rejection can be overcome by

canceling or amending the conflicting claims so they are no longer coextensive in scope. The

filing of a terminal disclaimer cannot overcome a double patenting rejection based upon 35

U.S.C. 101.

Claim 60 is rejected under 35 U.S.C. 101 as claiming the same invention as that of Claim

5 of prior U.S. US Patent No. 6256640 (Smalley et al). This is a double patenting rejection. See

Table 3 below.

Table 3	
Application 09/837428 Claim 60	U.S. Patent No. 6256640 Claim 1
60. A system for regulation of regulated entities, comprising: a memory unit storing information on the regulated entities, including a joint-usage database storing regulated entity identifiers at a primary data level, **activities** of the regulated entities at a secondary data level and operational data of the activities at a lower level below the secondary level; a processor, coupled to said memory unit, generating **an authorization to exercise powers** for at least one of the **activities** of each of the regulated entities by accessing the joint--usage database in said memory unit; an input unit, coupled to said processor and said memory unit inputting the operational data obtained from monitoring operation of the **activities**; and an output unit, coupled to said processor, outputting **the authorization**.	4. A system for regulation of regulated entities, comprising: a memory unit storing information on the regulated entities, including a joint-usage database for **multiple** regulatory programs and storing regulated entity identifiers at a primary data level, *subject items* of the regulated entities at a secondary data level and operational data of the subject items at a lower level below the secondary level; a processor, coupled to said memory unit, generating *typical permit requirements* for at least one of the *subject items* of each of the regulated entities by accessing the joint-usage database in said memory unit; an input unit, coupled to said processor and said memory unit, inputting the operational data obtained from monitoring operation of the **subject items**; and an output unit, coupled to said processor, outputting *the typical permit requirements*.

Examiner maintains that the claimed activities, Claim 60, is equivalent to the subject

items, Claim 4, and the claimed authorization, Claim 60, is equivalent to a permit requirement,

Claim 4. Please see col 3, lines 60-20, US 6,256,640, regarding the scope of Claim 4.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5.   Claims 1, 2, 4-7, 9-15 and 23-32 and 43-89 are rejected under 35 U.S.C. 102(b) as being

anticipated by Sturgeon et al (US 5,726,884).

Referring to Claim 1:

Sturgeon discloses a database structure, embodied on at least one computer accessible

medium, for managing information on regulated entities by a regulating entity, said database

structure comprising:

a primary data level identifying multiple regulated entities, optionally associable with a

geographic location (col 12, lines 5-60; col 33, lines 15-20); and

a secondary data level identifying subject items of the regulated entities identified at said

primary level, where the subject items include objects and activities subject to regulatory

requirements comprising multiple media (col 12, lines 15-30; col 13, lines 55-63).

Referring to Claim 2:

Sturgeon discloses the limitations as disclosed in Claim 1 above. Sturgeon further

discloses said database structure further comprises at least one lower data level, below said

secondary data level, to store detail information on imposition of regulatory requirements on the

subject items via issuance of permits, monitoring operation of the subject items of the regulated

entities to verify compliance with the regulatory requirements and issuance of enforcement

orders to compel compliance with the regulated entities (col 13, lines 23-50).

Referring to Claim 4:

Sturgeon discloses the limitations as disclosed in Claim 1 above. Sturgeon further

discloses wherein the information in said primary data level identifies the regulated entities as

one of a fixed operation having a single geographic location associated therewith; an occurrence

having a single geographic location associated therewith; a mobile operation that changes

geographic location periodically; and an organization responsible for transport of potentially

hazardous materials, either in vehicles or conduits, across a geographic area (col 12, lines 19-30;

col 13, lines 14-35).

Referring to Claim 5:

Sturgeon discloses the limitations as disclosed in Claim 1 above. Sturgeon further

discloses said database structure defines locations to store data related to work activity schedules,

assignments and progress to date in a joint-usage database (col 14, lines 18-40).

Referring to Claim 6:

Sturgeon discloses the limitations as disclosed in Claim 1 above. Sturgeon further

discloses wherein the information managed by using said database structure is accessed by a

regulatory agency, and defines permits for operations of the regulated entities, criteria for

determining compliance with the permits and actions taken to enforce the permits, for all

program areas over which the regulatory agency has jurisdiction (col 9, lines 25-35; col 10, lines

1-10; col 13, lines 35-50; col 16, lines 60-65; col 17, lines 35-50).

Referring to Claim 7:

Sturgeon discloses the limitations as disclosed in Claim 1 above. Sturgeon further

discloses, wherein said secondary level comprises a record, and each record contains one of a

single subject item and a list of subject item identifiers for related subject items (col 12, lines 20-

35).

Referring to Claim 9:

Sturgeon discloses the limitations as disclosed in Claim 1 above. Sturgeon further

discloses wherein the information managed by using said database structure is accessed by a

regulatory agency, and wherein said database structure defines for at least some of the subject

items a set of characteristics that determine the regulatory requirements typically applicable

thereto under all multiple media areas for which the regulatory agency is responsible (col 9, lines

25-35; col 10, lines 1-10; col 13, lines 35-50; col 16, lines 60-65; col 17, lines 35-50).

Referring to Claim 10:

Sturgeon discloses the limitations as disclosed in Claim 9 above. Sturgeon further

discloses wherein said database structure further comprises a requirements library specifying the

regulatory requirements typically applicable to the subject items having a given set of

characteristics, providing inspection checklist language corresponding to the requirements in

fewer words, providing default descriptions of noncompliance for use when requirements are

violated, and providing default corrective action requirements for use in enforcement orders

addressing violations of requirements (col 9, lines 25-35; col 15, lines 40-60; col 17, lines 20-

50).

Referring to Claim 11:

Sturgeon discloses the limitations as disclosed in Claim 9 above. Sturgeon further

discloses wherein said database structure defines locations to store data in a joint-usage database

describing violations of the regulatory requirements applicable to at least one regulated subject

item (col 16, lines 15-30).

Referring to Claim 12:

Sturgeon discloses the limitations as disclosed in Claim 11 above. Sturgeon further

discloses wherein said database structure defines locations to store data in the joint-usage

database describing enforcement orders for the at least one regulated subject item (col 17, lines

45-50).

Referring to Claim 13:

Sturgeon discloses the limitations as disclosed in Claim 1 above. Sturgeon further

discloses a master regulatory profile of identification and descriptive data associated with each

regulated entity identified at said primary level, not in data records associated only with permits

(col 12, lines 50-60; col 33, lines 15-25).

Referring to Claim 14:

Sturgeon discloses the limitations as disclosed in Claim 1 above. Sturgeon further

discloses wherein said database structure defines locations to store data in a joint-usage database

describing field inspections and results of the field inspections (col 16, lines 15-30).

Referring to Claim 15:

Sturgeon discloses the limitations as disclosed in Claim 1 above. Sturgeon further

discloses wherein the information managed by using said database structure is accessed by an

environmental regulatory agency, and wherein said database structure defines locations to store

data describing pollutant releases in a joint-usage database (col 9, lines 25-35; col 13, lines 64-

67).

Referring to Claim 43:

Sturgeon discloses a method of managing information on regulated entities by a

regulating entity, comprising: creating a joint-usage database for multiple media of the regulating

entity and having a primary data level identifying the multiple regulated entities, optionally

associable with a geographic location (col 9, lines 25-40; col 12, lines 1-20, 35-60; Fig. 1; col 33,

lines 15-23), and a secondary data level identifying subject items of the regulated entities

comprising the multiple media; and performing, by the regulating entity, regulatory functions

using the primary and secondary data levels of the joint usage database (col 13, lines 25-50; col

33, lines 5-15; col 16, lines 20-30).

Referring to Claim 44:

Sturgeon discloses a method of managing information on multiple regulated entities by a

regulating entity, comprising: creating a joint-usage database for multiple media and having a

primary data level identifying the regulated entities, optionally associable with a geographic

location (col 9, lines 25-40; col 12, lines 1-20, 35-60; Fig. 1; col 33, lines 15-23), and a

secondary data level identifying subject items of the regulated entities; and generating, by the

regulating entity, a permit from the joint-usage database (col 13, lines 25-50; col 17, lines 25-50;

col 33, lines 5-15; col 16, lines 20-30).

Referring to Claim 45:

Sturgeon discloses the limitations as disclosed in Claim 44 above. Sturgeon further

discloses, wherein the permit comprises different information stored in discrete fields (Fig. 33;

col 13, lines 55-65).

Referring to Claim 46:

Sturgeon discloses a method of managing information on multiple regulated entities by a regulating entity, comprising: creating a joint-usage database for multiple media and having a primary data level identifying the regulated entities, optionally associable with a geographic location (col 9, lines 25-40; col 12, lines 1-20, 35-60; Fig. 1; col 33, lines 15-23), and a secondary data level identifying subject items of the regulated entities (col 13, lines 25-50; col 33, lines 5-15; col 16, lines 20-30); and generating, by the regulating entity, a regulatory inspection checklist from the joint-usage database (col 9, lines 25-35; col 15, lines 40-60; col 17, lines 20-50).

Referring to Claim 47:

Sturgeon discloses a method of managing information on regulated entities by a regulating entity, comprising: maintaining a joint-usage database for multiple media and having a primary data level identifying the regulated entities (col 9, lines 25-40; col 12, lines 1-20, 35-60; Fig. 1; col 33, lines 15-23), a secondary data level, identifying subject items of the regulated entities and typical permit requirements for each of the subject items, the permit requirements for all subject items including permit requirements in a plurality of multiple media areas (col 13, lines 25-50; col 33, lines 5-15; col 16, lines 20-30); and displaying, by the regulating entity, the typical permit requirements for all of the subject items of a selected regulated entity (col 17, lines 25-45; col 29, line 45-col 30, line 35).

Referring to Claim 48:

Sturgeon discloses the limitations as discussed in Claim 47 above. Sturgeon further

discloses selecting permit data from among the typical permit requirements in response to user

input (col 17, lines 5-30; col 30, lines 25-40).

Referring to Claim 49:

Sturgeon discloses a method of managing information on regulated entities by a

regulating entity, comprising: maintaining a joint-usage database for multiple media and having

a primary data level identifying the regulated entities (col 9, lines 25-40; col 12, lines 1-20, 35-

60; Fig. 1; col 33, lines 15-23), a secondary data level identifying subject items of the regulated

entities and regulating entity inspector checklist language for typical permit requirements for

each of the subject items (col 13, lines 25-50; col 33, lines 5-15; col 16, lines 20-30), the

inspection checklist language for all subject items including inspector checklist language for the

typical permit requirements in a plurality of program areas (col 15, lines 40-60); and displaying,

by the regulating entity, the inspector checklist language for all of the subject items of a selected

regulated entity (col 17, lines 25-45; col 29, line 45-col 30, line 35).

Referring to Claim 50:

Sturgeon discloses the limitations as discussed in Claim 49 above. Sturgeon further

discloses selecting from among the checklist language in response to user input (col 17, lines 25-

45; col 29, line 45-col 30, line 35).

Referring to Claim 51.

Sturgeon discloses a method of managing information on regulated entities by a
regulating entity, comprising: creating a joint-usage database for multiple media of the regulating
entity and having a primary data level identifying the multiple regulated entities (col 9, lines 25-
40; col 12, lines 1-20, 35-60; Fig. 1; col 33, lines 15-23) and a secondary data level identifying
subject items of the regulated entities comprising the multiple media (col 13, lines 25-50; col 33,
lines 5-15; col 16, lines 20-30); and performing, by the regulating entity, regulatory functions
using the primary and secondary data levels of the joint usage database (col 13, lines 25-50; col
33, lines 5-15; col 16, lines 20-30).

Referring to Claim 52:

Sturgeon discloses a method of managing information on multiple regulated entities by a
regulating entity, comprising creating a joint-usage database having a primary data level
identifying the regulated entities (col 9, lines 25-40; col 12, lines 1-20, 35-60; Fig. 1; col 33,
lines 15-23), and a secondary data level identifying activities of the regulated entities (col 13,
lines 25-50; col 33, lines 5-15; col 16, lines 20-30); and generating, by the regulating entity, an
authorization from the joint-usage database (col 17, lines 35-50).

Referring to Claim 53:

Sturgeon discloses the limitations as discussed in Claim 52 above. Sturgeon further
discloses the authorization comprises a license (col 32, lines 45-50; col 33, lines 10-20; col 11,
lines 15-25).

Referring to Claim 54:

Sturgeon discloses the limitations as discussed in Claim 52 above. Sturgeon further

discloses the authorization comprises an approval (col 14, lines 5-15).

Referring to Claim 55:

Sturgeon discloses the limitations as discussed in Claim 52 above. Sturgeon further

discloses an approval letter (col 30, lines 25-40).

Referring to Claim 56:

Sturgeon discloses a method of managing information on multiple regulated entities by a

regulating entity, comprising: creating a joint-usage database having a primary data level

identifying the regulated entities location (col 9, lines 25-40; col 12, lines 1-20, 35-60; Fig. 1; col

33, lines 15-23), and a secondary data level identifying activities of the regulated entities (col 13,

lines 25-50; col 33, lines 5-15; col 16, lines 20-30); and generating, by the regulating entity,

authorization to exercise power from the joint-usage database (col 29, line 60-col 30, line 15).

Referring to Claim 57:

Sturgeon discloses a method of managing information on multiple regulated entities by a

regulating entity, comprising: creating a joint-usage database for areas of regulation of the

regulating entity having a primary data level identifying the regulated entities (col 9, lines 25-40;

col 12, lines 1-20, 35-60; Fig. 1; col 33, lines 15-23), and a secondary data level identifying

activities of the regulated entities (col 13, lines 25-50; col 33, lines 5-15; col 16, lines 20-30);

and generating, by the regulating entity, authorization to exercise power from the joint-usage database (col 29, line 60-col 30, line 15).

Referring to Claim 58:

Sturgeon discloses a method of managing information on multiple regulated entities by a regulating entity, comprising: creating a joint-usage database having a primary data level identifying the regulated entities (col 9, lines 25-40; col 12, lines 1-20, 35-60; Fig. 1; col 33, lines 15-23), and a secondary data level identifying activities of the regulated entities (col 13, lines 25-50; col 33, lines 5-15; col 16, lines 20-30); and generating, by the regulating entity, an enforcement action from the joint-usage database (col 17, lines 35-50).

Referring to Claim 59:

Sturgeon discloses a method for regulation of regulated entities, comprising: maintaining information on the regulated entities (col 12, lines 15-25), including a joint-usage database with the regulated entities at a primary data level (col 9, lines 25-40; col 12, lines 1-20, 35-60; Fig. 1; col 33, lines 15-23) and activities of the regulated entities at a secondary data level (col 13, lines 25-50; col 33, lines 5-15; col 16, lines 20-30); generating an authorization to exercise powers for at least one of the activities of each of the regulated entities by accessing the joint-usage database (col 11, lines 15-25); obtaining operational data from monitoring operation of the activities (col 13, lines 60-67); storing the operational data in the joint-usage database (col 13, lines 60-67); and enforcing each authorization based on the information stored in the joint-usage database (col 17, lines 10-50).

Referring to Claim 60:

Sturgeon discloses a system for regulation of regulated entities, comprising: a memory unit storing information on the regulated entities (col 12, lines 15-25), including a joint-usage database storing regulated entity identifiers at a primary data level (col 9, lines 25-40; col 12, lines 1-20, 35-60; Fig. 1; col 33, lines 15-23), activities of the regulated entities at a secondary data level (col 13, lines 25-50; col 33, lines 5-15; col 16, lines 20-30) and operational data of the activities at a lower level below the secondary level (col 13, lines 60-68); a processor, coupled to said memory unit, generating an authorization to exercise powers for at least one of the activities of each of the regulated entities by accessing the joint-usage database in said memory unit (col 11, lines 15-25); an input unit, coupled to said processor and said memory unit inputting the operational data obtained from monitoring operation of the activities (col 13, lines 60-67); and an output unit, coupled to said processor, outputting the authorization (col 17, lines 10-50).

Referring to Claim 61:

Sturgeon discloses a method comprising: providing a database comprising data from a plurality of program areas in which entities are regulated (col 13, lines 35-50); adding permit data to the database, the permit data relating to permits allowing the regulated entities to operate in the program areas (col 13, lines 35-50; col 16, lines 15-30); adding operational performance data to the database, the operational performance data relating to operational performance of the regulated entities in the program areas (col 13, lines 55-68); and accessing the database, having

the added permit data and the added operational performance data, to enforce a respective permit (col 17, lines 10-50).

Referring to Claim 62:

Sturgeon discloses a method comprising: providing a database comprising data from a plurality of program areas in which entities are regulated (col 13, lines 35-50); adding permit data to the database, the permit data relating to a permit allowing a respective regulated entity to operate in a respective program area (col 13, lines 35-50; col 16, lines 15-30); adding operational performance data to the database, the operational performance data relating to operational performance of said respective regulated entity in said respective program area (col 13, lines 55-68); and accessing the database, having the added permit data and the added operational performance data, to enforce the permit (col 17, lines 10-50).

Referring to Claim 63:

Sturgeon discloses a method comprising: providing a database comprising data from a plurality of program areas in which entities are regulated (col 13, lines 35-50); the database having unique identifiers for the regulated entities, respectively (col 33, lines 15-25; col 12, lines 50-60); adding permit data to the database, the permit data relating to permits allowing the regulated entities to operate in the program areas (col 13, lines 35-50; col 16, lines 15-30); adding operational performance data to the database, the operational performance data relating to operational performance of the regulated entities in the program areas (col 13, lines 55-68); and accessing the database, having the added permit data and the added operational performance

data, via the unique identifier for a respective regulated identity, to enforce a permit allowing the respective regulated identity to operate in a respective program area (col 10, lines 1-10; col 16, lines 15-30; col 17, lines 10-50).

Referring to Claim 64:

Sturgeon discloses the limitations as discussed in Claim 63 above. Sturgeon further discloses adding compliance data to the database, the compliance data relating to compliance of the regulated entities (col 15, lines 40-60), wherein said accessing accesses the database, having the added permit data, the added operational performance data, and the added compliance data, to enforce said permit allowing the respective regulated identity to operating the respective program area (col 17, lines 10-50).

Referring to Claim 65:

Sturgeon discloses a method comprising: providing a database comprising data from a plurality of program areas in which entities are regulated (col 13, lines 35-50), the database having unique identifiers for the regulated entities, respectively (col 33, lines 15-25; col 12, lines 50-60); adding permit data to the database, the permit data relating to a permit allowing a respective regulated entity to operate in a respective program area (col 13, lines 35-50; col 16, lines 15-30); adding operational performance data to the database, the operational performance data relating to operational performance of said respective regulated entity in said respective program area (col 13, lines 55-68); and accessing the database, having the added permit data and

the added operational performance data, via the unique identifier for said respective regulated

identity, to enforce the permit (col 10, lines 1-10; col 16, lines 15-30; col 17, lines 10-50).

Referring to Claim 66:

Sturgeon discloses the limitations as discussed in Claim 63 above. Sturgeon further

discloses adding compliance data to the database (col 15, lines 40-60, the compliance data

relating to compliance of said respective regulated entity, wherein said accessing accesses the

database, having the added permit data, the added operational performance data, and the added

compliance data, to enforce the permit area (col 17, lines 10-50).

Referring to Claim 67:

Sturgeon discloses a method comprising: providing a database comprising data from a

plurality of program areas in which entities are regulated (col 13, lines 35-50), a primary data

level identifying the regulated entities level (col 9, lines 25-40; col 12, lines 1-20, 35-60; Fig. 1;

col 33, lines 15-23) and a data level below the primary data level identifying subject items of the

regulated entities (col 13, lines 25-50; col 33, lines 5-15; col 16, lines 20-30); adding permit data

to the database by referencing at least one of the subject items, the permit data relating to permit

(col 13, lines 35-50; col 16, lines 15-30); allowing the regulated entities to operate in the

program areas (col 13, lines 45-60); adding self-monitoring and inspection data to the database

with reference to the subject items (col 9, lines 25-30; col 13, lines 45-60), the self-monitoring

and inspection data relating to self-monitoring and inspection of the regulated entities in the

program areas (col 13, line 60-col 14, line 15); and accessing the database, having the added

permit data and the added self-monitoring and inspection data, to enforce a respective permit (col 17, lines 10-50).

Referring to Claim 68:

Sturgeon discloses a method comprising: providing a database comprising data from a plurality of program areas in which entities are regulated (col 13, lines 35-50), a primary data level identifying the regulated entities (col 9, lines 25-40; col 12, lines 1-20, 35-60; Fig. 1; col 33, lines 15-23) and a data level below the primary data level identifying subject items of the regulated entities (col 13, lines 25-50; col 33, lines 5-15; col 16, lines 20-30); adding, to the database, permit data relating to a permit allowing a respective regulated entity to operate in a respective program area, the permit data added to the database by referencing a subject item of said respective regulated entity (col 13, lines 35-50; col 16, lines 15-30); adding, to the database, self-monitoring and inspection data of said respective regulated entity (col 9, lines 25-30; col 13, lines 45-60), the self-monitoring and inspection data being added to the database by referencing said subject item of said respective regulated entity; and accessing the database, having the added permit data and the added self-monitoring and inspection data, to enforce the permit(col 17, lines 10-50).

Referring to Claim 69:

Sturgeon discloses a database structure, embodied on at least one computer accessible medium, to store data from a plurality of program areas in which entities are regulated (col 13, lines 35-50), the database structure comprising: a primary level identifying the regulated entities

(col 9, lines 25-40; col 12, lines 1-20, 35-60; Fig. 1; col 33, lines 15-23); and a data level below the primary data level identifying subject items of the regulated entities, the subject items including objects and activities subject to regulatory requirements (col 13, lines 25-50; col 33, lines 5-15; col 16, lines 20-30).

Referring to Claim 70:

Sturgeon discloses a method comprising: providing a database comprising data from a plurality of program areas in which entities are regulated (col 13, lines 35-50), a primary data level identifying the regulated entities (col 9, lines 25-40; col 12, lines 1-20, 35-60; Fig. 1; col 33, lines 15-23) and a data level below the primary data level identifying subject items of the regulated entities (col 13, lines 25-50; col 33, lines 5-15; col 16, lines 20-30); and performing, by a respective regulated entity, regulatory functions using the primary data level and the data level below the. primary data level via accessing the database (col 9, lines 20-25; col 11, lines 10-25).

Referring to Claim 71:

Sturgeon discloses a method comprising: providing a database comprising data from a plurality of program areas in which entities are regulated (col 13, lines 35-50), a primary data level identifying the regulated entities (col 9, lines 25-40; col 12, lines 1-20, 35-60; Fig. 1; col 33, lines 15-23) and a data level below the primary data level identifying subject items of the regulated entities; and generating, by a respective regulated entity (col 13, lines 25-50; col 33, lines 5-15; col 16, lines 20-30), a regulatory inspection checklist using the primary data level and the data level below the primary data level via accessing the database (col 15, lines 40-60).

Referring to Claim 72:

Sturgeon discloses a method comprising: providing a database comprising data from a plurality of program areas in which entities are regulated (col 13, lines 35-50), a primary data level identifying the regulated entities (col 9, lines 25-40; col 12, lines 1-20, 35-60; Fig. 1; col 33, lines 15-23) and a data level below the primary data level identifying subject items of the regulated entities (col 13, lines 25-50; col 33, lines 5-15; col 16, lines 20-30); and generating, by a respective regulated entity, an enforcement action using the primary data level and the data level below the primary data level via accessing the database (col 17, lines 10-50).

Referring to Claim 73:

Sturgeon discloses a system for managing regulatory programming information as applied to a plurality of regulated entities, comprising: a user interface inputting operational data for selected subject items of a selected regulated entity for storage as regulatory information where at least one subject item of at least one regulated entity relates to a plurality of regulatory program areas (Fig. 17-20; col 9, lines 30-50); and a centralized database storing the operational data as the regulatory information on a plurality of subject items for a plurality of regulated entities where the regulatory information stored in the centralized database is accessible to a plurality of departments within a regulatory agency that are responsible for different regulatory program areas (col 9, lines 30-40).

Referring to Claim 74:

Sturgeon discloses the limitations of Claim 73 above. Sturgeon further discloses the

centralized database further comprises a requirements library that defines standard requirements

for each subject item (col 13, lines 20-35).

Referring to Claim 75:

Sturgeon discloses the limitations of Claim 73 above. Sturgeon further discloses wherein

the regulatory information stored in the centralized database includes permit requirements for a

subject item of a regulated entity (col 16, lines 15-30).

Referring to Claim 76:

Sturgeon discloses the limitations of Claim 75 above. Sturgeon further discloses wherein

the permit requirements stored in the centralized database cover a plurality of regulatory program

areas for a subject item of a regulated entity and the centralized database generates

multi-program permits output via the user interface (col 9, lines 25-30).

Referring to Claim 77:

Sturgeon discloses the limitations of Claim 73 above. Sturgeon further discloses wherein

the regulatory information stored in the centralized database includes inspection checklist

information for a subject item of a regulated entity (col 17, lines 5-25).

Referring to Claim 78:

Sturgeon discloses the limitations of Claim 77 above. Sturgeon further discloses the

inspection checklist information stored in the centralized database covers a plurality of

regulatory program areas for a subject item of a regulated entity and the centralized database

generates multi-program inspection checklists output via the user interface (col 9, lines 25-30;

col 17, lines 10-50).

Referring to Claim 79:

Sturgeon discloses the limitations of Claim 73 above. Sturgeon further discloses the

regulatory information stored in the centralized database includes reports provided from

regulated entities to departments of the regulatory agency, and wherein the reports are entered

into the database via the user interface (col 25, lines 10-20).

Referring to Claim 80:

Sturgeon discloses the limitations of Claim 73 above. Sturgeon further discloses the

regulatory information stored in the centralized database includes reports provided from

departments of the regulatory agency to regulated entities (col 32, lines 45-65).

Referring to Claim 81:

Sturgeon discloses the limitations of Claim 73 above. Sturgeon further discloses the

regulatory information stored in the centralized database includes violations listings for regulated

entities (col 10, lines 1-15).

Referring to Claim 82:

Sturgeon discloses an integrated system for management of regulatory programming information as applied to a plurality of regulated entities, comprising: a centralized database storing regulatory information on a plurality of subject items for a plurality of regulated entities where at least one subject item of at least one regulated entity relates to a plurality of different regulatory program areas (col 9, lines 30-40); a user interface inputting operational data for selected subject items of a selected regulated entity for storage in the centralized database as regulatory information; and a processor generating multi-program regulatory permits based upon the operational data entered into the database for a respective regulated entity (Fig. 17-20; col 9, lines 30-50).

Referring to Claim 83:

Sturgeon discloses the limitations of Claim 82 above. Sturgeon further discloses the processor additionally generates multiprogram inspection checklists based upon the operational data entered into the database for a respective regulated entity (col 17, lines 5-30).

Referring to Claim 84:

Sturgeon discloses the limitations of Claim 82 above. Sturgeon further discloses the processor additionally generates multiprogram enforcement orders based upon the operational data entered into the database for a respective regulated entity (col 17, lines 40-55).

Referring to Claim 85:

Sturgeon discloses a method for regulating a regulated entity, comprising: identifying a plurality of subject items associated with the regulated entity where at least one subject item relates to a plurality of regulatory programs (col 9, lines 35-40); storing regulatory information associated with each of the identified subject items in a centralized database (col 12, lines 15-20); and monitoring the regulatory information associated with a selected subject item in the database to track compliance of the regulated entity (col 13, lines 25-40; col 16, lines 25-30).

Referring to Claim 86:

Sturgeon discloses the limitations of Claim 85 above. Sturgeon further discloses the step of generating permits relating to each regulatory program associated with the selected subject item (col 16, lines 15-30).

Referring to Claim 87:

Sturgeon discloses a method of managing information on a plurality of regulated entities, comprising: creating a joint-usage database identifying subject items of a plurality of regulated entities (col 13, lines 35-30); adding permit data to the joint-usage database by referencing at least one of the subject items for one of the regulated entities for generating a permit for at least one of the subject items (col 13, lines 35-50; col 16, lines 15-30); and adding operational performance data to the joint-usage database with reference to the at least one of the subject items for the one of the regulated entities, the operational performance data obtained from

monitoring reports of operation of the at least one of the subject items (col 9, lines 25-30; col 13, lines 45-60; col 17, lines 10-50).

Referring to Claim 88:

Sturgeon discloses a system for regulation of regulated entities, comprising: a memory unit to store information on the regulated entities, including a joint-usage database storing regulated entity identifiers and subject items and operational data of the regulated entities (col 9, lines 25-40; col 12, lines 1-20, 35-60; Fig. 1; col 33, lines 15-23); a processor coupled to the memory unit to generate a permit for at least one of the subject items of at least one of the regulated entities by accessing the joint-usage database in the memory unit (col 13, lines 35-50; col 16, lines 15-30); an input unit coupled to the processor and the memory unit, to input the operational data obtained from monitoring operation of the subject items; and an output unit, coupled to the processor, to output the permit (col 9, lines 25-30; col 16, lines 25-30; col 17, lines 10-50).

Referring to Claim 89:

Sturgeon discloses a system for managing regulatory programming information as applied to a plurality of regulated entities, comprising: a user interface inputting operational data of subject items of a selected regulated entity for storage as regulatory information with at least one subject item of at least one regulated entity relating to a plurality of regulatory program areas (Fig. 17-20; col 9, lines 30-50); a centralized database system storing the operational data as the regulatory information on a plurality of subject items for a plurality of regulated entities; and an

access system allowing access to the regulatory information stored in the centralized database by

departments within a regulatory agency responsible for different regulatory program areas (col 9,

lines 30-40; col 12, lines 15-20).

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

6.   Claims 33-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over US

5726884 issued to Sturgeon et al, herein referred to as Sturgeon.

Referring to Claim 33:

Sturgeon discloses a method of managing information of a regulating entity, comprising:

storing multiple media, multiple regulated entity regulating data related to work activity

schedules, assignments and progress for regulating work to date in a joint-usage database (col 13,

lines 25-50; col 14, lines 15-45); updating the data stored in the joint-usage database (col 15,

lines 25-45); and displaying the data stored in the joint-usage database to all regulating entity

personnel [having security clearance], regardless of the assignments for which the personnel are

responsible (col 29, line 50-col 30, line 15).

Sturgeon does not explicitly disclose the claimed security clearance. However, Sturgeon

does disclose a User log-on id. The disclosed log-on id suggests a secured database. Therefore,

at the time the invention was made, it would have been obvious to a person of ordinary skill in

the art to modify the teachings of Sturgeon to include security clearance for database users. One

of ordinary skill in the art would have been motivated to do this because it would allow only

authorized users to perform database related functions, i.e. printing (col 30, lines 5-10).

Referring to Claim 34:

Sturgeon discloses the limitation as disclosed in Claim 33 above. Sturgeon further

discloses wherein said method is performed by a computer program stored as a single executable

program (col 29, lines 50-65).

Referring to Claim 35:

Sturgeon discloses the limitation as disclosed in Claim 33 above. Sturgeon further

discloses, wherein said storing stores in the joint-usage database at least one master record

representing one subject item regulated in a multiple media areas with detailed descriptions for

each of the program areas, and wherein said displaying displays the detailed descriptions for the

one subject item on a single screen (col 12, lines 1-20; col 13, lines 35-45; col 29, line 50-col 30,

line 15).

Referring to Claim 36:

Sturgeon discloses the limitation as disclosed in Claim 33 above. Sturgeon further

discloses wherein the data stored, updated and displayed includes data describing pollutant

releases of a regulated entity (col 13, lines 65-67).

Referring to Claim 37:

Sturgeon discloses the limitation as disclosed in Claim 33 above. Sturgeon further

discloses, wherein the data stored, updated and displayed includes data describing violations of

applicable requirements (col 16, lines 20-30).

Referring to Claim 38:-

Sturgeon discloses the limitation as disclosed in Claim 33 above. Sturgeon further

discloses wherein the data stored, updated and displayed includes data describing enforcement

orders (col 17, lines 35-50), and wherein said method further comprises preparing multiple

media enforcement orders for violations of requirements from different program areas and

program-specific enforcement orders (col 17, lines 10-50).

Prior Art

7.   The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure.

US 5664112 issued Sturgeon, Douglas H. et al. Sturgeon discloses an apparatus that

provides an integrated approach for all management activities for hazardous substances used or

generated at a facility, including form generation and compliance with the reporting

requirements. The apparatus includes six functional groupings and a database schema or

coordinator that integrates these groupings and allows them to share and exchange relevant

information. The functional groupings include a hazardous materials index grouping (chemical

profiles, waste profiles, Material Safety Data Sheets, etc.), a hazardous materials management

grouping (MSDS generation, process definition, materials transfers, etc.), a human resource management grouping (training, exposure limits, etc.) and a hazardous commitment management grouping (compliance requirements and deadlines). Optionally, a hazardous waste management grouping (waste accumulations, Hazardous Waste Manifests, etc.) or a hazardous permit management grouping (permit approvals and renewals, etc.), or both, may be combined with all of the other four functional groupings to form an operating system. Optionally, the hazardous materials index grouping plus the hazardous materials management grouping plus the database schema may be combined with one of the other four functional groupings to form an operating system. Optionally, the hazardous materials index grouping plus the database schema may be combined with one of the other five functional groupings to form an operating system.

US 6654788 issued to Chance, Curtis et al. Chance discloses an apparatus and a method for insuring compliance of a regulatory rule set for messages generated by at least one agent of the enterprise. The method comprises the steps of: a) providing a Messaging interface used by an agent containing at least one field accessing a message queue which is based upon the agent to create the regulatory analysis message; b) identifying issues regarding the regulatory analysis message to create an issue collection containing at least one issue; c) responding to each of the issue contained in the issue collection to create an issue response for each issue; and d) creating the regulatory analysis message based upon the issues responses for each of the issues of the issue collection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Monplaisir G Hamilton whose telephone number is (703) 305-5116. The examiner can normally be reached on Monday - Friday (8:00 am - 4:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Y Vu can be reached on (703) 305-4393. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Monplaisir Hamilton